IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7630 of 1992

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

B P JOSHI

Versus

DIST. COLLECTOR

Appearance:

MS KUSUM M SHAH for Petitioner

MR PR JOSHI AGP for Respondent No. 1

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 22/09/2000

ORAL JUDGEMENT

The petitioner is lessee of a piece of Government land admeasuring 20-7 Sq.Yds. being part of Sheet No. 30, Survey No. 827, of Deesa Town, and claims a right to renewal of the lease. It appears that the piece of land in question was leased to the father of the petitioner

one Shri Parshottam Hemraj by the then State of Bombay for a period of one year from 1st August, 1955, on the terms and conditions mentioned in the lease. The said Parshottam Hemraj had a tea-stall on the said land and the lease was renewed time and again by the District Collector, Banaskantha till the year 1979. The said lease was further renewed for a period of five years from 31st July, 1979 to 31st July, 1984. During the said lease period, the lessee Parshottam Hemraj passed away and his son - the petitioner applied for renewal of the lease. Upon such application, the lease was renewed in the name of the petitioner for a period of five years from 1st August, 1984 to 31st July, 1989. On expiry of the said period of lease, the petitioner once again applied for renewal of the said lease. The application made by the petitioner was rejected on 30th July, 1990. Feeling aggrieved, the petitioner preferred Appeal before the State Government, which too was dismissed on 7th February, 1992. Feeling aggrieved, the petitioner has preferred the present petition.

It is not disputed that the piece of land in question is the Government land and the petitioner was given it on lease for a period of five years. On expiry of the said period, the petitioner's application for renewal has been turned down on the ground that the said land was required for Government use. It is the grievance of the petitioner that the ground stated for rejecting the petitioner's demand is vague and that the petitioner has not been given an opportunity of hearing. This court in the matter of AMBALAL M. PATEL VS STATE OF GUJARAT (1987 GLH 125), has, in answer to a similar contention, held that " The submission is based on erroneous premise that the petitioners have a vested right to get their lease renewed. As stated hereinabove, there is no vested right whatsoever in favour of the petitioners to get the lease renewed. Once there is no vested right, the petitioner have no right of being heard ". Besides, in my view, it is not necessary for the authorities below to satisfy the petitioner what was the purpose for which the land was intended to be used for. As held in the matter of Ambalal (supra), the petitioners can not claim a right to renewal of lease. The refusal to renew the lease can not be interfered with,

I see no substance in the claim made by the petitioner. Petition is dismissed. Rule is discharged. Interim relief vacated. The parties shall bear their own costs.

(MS R.M.DOSHIT J)

JOSHI